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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, Washington 98101

Reply to  
Attn of: HW-124

RECEIVED

December 21, 1992

DEC 24 1992

Mr. Jerry Lyle, Deputy Assistant Manager  
Environmental Restoration  
and Waste Management  
U.S. Department of Energy  
785 DOE Place  
Idaho Falls, ID 83401

ADDITIONAL  
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WASTE MGMT. DIV.

Mr. Dean Nygard, Superfund Project Supervisor

Idaho Department of Health and Welfare  
1410 N. Hilton  
Boise, ID 83706

SUBJECT: Treatability Variance for Pit 9 Record of Decision

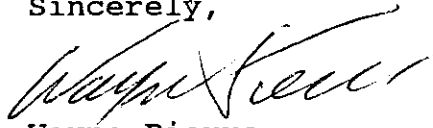
Dear Mr. Lyle and Mr. Nygard:

Based on our discussion of December 21, 1992, I have put together a paragraph for insertion into the draft ROD concerning the issue of treatability variance. As you know, we have included language in the proposed plan for the Pit 9 Interim Remedial Action to provide an opportunity to the Parties to delist the Resource Conservation and Recovery Act (RCRA) listed wastes provided certain treatment standards are met. Concern has been raised that, as the technology is so unique, these standards may not be attainable. In such a case, if it is still worthwhile to proceed with the action, a treatability variance would be needed, which would require a ROD amendment or Explanation of Significant Difference. We concur with this suggestion and propose the following language for the ROD.

"In the event that the Proof of Process (POP) or Limited Production Test (LPT) phases of this interim remedial action fail to achieve necessary reduction of hazardous constituents at or below the levels stated in this ROD as necessary for delisting and the Parties have decided to continue the interim remedial action, a treatability variance will be sought to allow continuation of the action in accordance with the Land Disposal Restrictions requirements of RCRA. Such a variance will be made either through an Explanation of Significant Difference or through a ROD amendment, depending upon the degree of variance necessary. In either case, an opportunity for public involvement will be afforded prior to the granting of such a variance"

If you have any questions regarding the approach outlined above, please contact me at (206) 553-7261.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wayne Pierre', written over a horizontal line.

Wayne Pierre  
INEL Project Manager

cc: Shawn Rosenberg, IDHW